

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RYAN FOSMO,

Plaintiff,

v.

COUNTY OF ELKO, et al.,

Defendants.

Case No. 3:14-cv-00468-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (dkt. no. 38) (“R&R”) relating to Defendant David Goff’s (“Goff”) Motion to Quash Service And-Or Motion to Dismiss. (Dkt. nos. 21, 22.) Goff had until July 11, 2015, to object to the R&R. No objection has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard


1 of review employed by the district court when reviewing a report and recommendation to
2 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the
4 view that district courts are not required to review “any issue that is not the subject of an
5 objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then
6 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Cooke’s R&R. The Magistrate Judge
11 recommended that Goff’s Motion to Quash Service and-or Motion to Dismiss (dkt. nos.
12 21, 22) be denied. Upon reviewing the R&R and the records before the Court, this Court
13 finds good cause to adopt the Magistrate Judge’s R&R in full.

14 It is therefore ordered, adjudged and decreed that the Report and
15 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 38) is accepted and
16 adopted in its entirety.

17 It is ordered that Defendant David Goff’s Motion to Quash Service and-or Motion
18 to Dismiss (dkt. nos. 21, 22) is denied.

19 DATED THIS 15th day of July 2015.

20
21 
22 _____
23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
25
26
27
28